

1.4.3 Montgomery County Code

Regulations affecting solid waste management activities are present in nine chapters of the Montgomery County Code. Chapter 48 (Solid Wastes) specifically addresses solid waste management. A summary of the solid waste management regulations in each chapter of the County Code is provided below.

Chapter 3 (Air Quality Control) provides for the burning of leaves and household trash in certain parts of the County (Section 3-6).

Chapter 5 (Animal Control) provides for the collection and disposition of dead cats and dogs (Section 5-24) and for the disposal of carcasses of dead animals that had been exposed to rabies (Section 5-55).

Chapter 19 (Erosion, Sediment Control and Storm Water Management) governs erosion and sediment control, storm water management, and activities conducted in a floodplain.

Chapter 22 (Fire Safety Code) addresses scrap, waste, and junk yards and collection stations with particular reference to fire protection (Section 22-61); the collection and burning of shavings, sawdust and other refuse materials produced at lumber yards and woodworking plants (Section 22-64); and the storage and handling of combustible waste and refuse (Section 22-80).

Chapter 25 (Hospitals, Sanitariums, Nursing and Care Homes) provides for the storage and disposal of garbage and "infectious" wastes at health care facilities (Section 25-43).

Chapter 28 (Junk Dealers and Junk Yards) provides for the licensing of junk dealers, the conditions for operating a junk yard and a prohibition against the burning

of tires and other materials that create obnoxious odors or excessive smoke (Section 28-1 to 7).

Chapter 31 (Noise Control) governs the generation of noise.

Chapter 48 (Solid Wastes) provides for the management of solid waste, which is as "all waste materials and debris, including, but not limited to the following: garbage, sludge, and medical/pathological wastes, debris from building construction, ashes, junk, industrial waste, dead animals, salvageable waste, dead or felled trees, uprooted tree stumps, slash, tree limbs, bushes, plants, leaves, grass, garden trimmings, street refuse, abandoned vehicles, machinery, bottles, cans, waste paper, cardboard, sawdust, and slash from sawmill operations, and all other waste materials." (Section 48-1). In addition, this Chapter provides for the licensing and permitting of the collection, transportation and disposal of solid waste (Sections 48-5, 48-19, 48-22) and authorizes the County to establish service and disposal facilities (Section 48-8). Specifically, it provides for the establishment of refuse collection districts (Section 48-29). Article V provides for a recycling program in accordance with the approved Plan, and adopted regulations. It contains compliance and enforcement provisions, and authorizes the County Executive to enter into contracts to procure recycling services necessary for the collection, processing or marketing of recyclables.

Chapter 59 (Zoning) provides definitions of solid waste facilities as well as a list of land use zones in which these facilities are permitted either by right or by special exception.